

REMARKS

The claims have been amended in order to overcome the grounds of rejection set forth in the previous official letter and to more particularly point out and distinctly claim the invention. Inasmuch as no new matter is introduced by the amendments, entry thereof is respectfully requested.

The Examiner has rejected claims 1, 3-7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states:

“---*In claim 1 “chondroitin” is misspelled*---”

By the above amendment, the misspelling has been corrected.

The Examiner has also rejected claims 1, 3-7 under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph due to the use of the term “preventing”. This ground of rejection is respectfully traversed. As Applicant has previously noted, this same terminology is employed in U.S. patents 5,140,016; 5,632,979; 6,010,692; 6,464,970; 6,706,780 and 5,350,573. Since the Examiner had previously seen fit to reject the present claims over the claims of these patents on the ground of nonstatutory obviousness-type double patenting over the claims of these patents, the use of the disputed language in the present claims cannot be objectionable if it is not objectionable in the issued patents. However, in order to expedite allowance, Applicant has amended the present claim to read “reducing”, thereby rendering this rejection moot.

Applicants have earnestly endeavored to place the application in condition for allowance and an early action toward that end is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2315-904733US) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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